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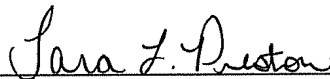
EFS Transmission Sheet

October 28, 2009

To: Examiner Micah Paul Young
From: Stephen P. Burr/Nicole J. Buckner
Re: In re the Application of: Jiro KANIE
Serial No.: 10/826,165 Art Unit: 1618
Date Filed: April 16, 2004 Conf. No. 8549
Title: ENTERAL NUTRITION PRODUCT AND METHOD FOR PREPARING THE SAME
Our Docket No.: 889_001

I hereby certify that the following 4 page(s) **including this cover** is/are being transmitted via EFS to the Patent and Trademark Office on **October 28, 2009**:

	<u>Paper</u>	<u># of Pages</u>
1.	Cover Page	<u>2</u>
2.	Response to Notification of Non-Compliant Appeal Brief	<u>2</u>
	<i>Total Pages</i>	<u>4</u>


Tara L. Preston

EXTENSION OF TIME

☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

☐ This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and appropriate non-small entity fee are as follows:

<input type="checkbox"/> One Month (37 CFR 1.17(a)(1)	\$130.00	
<input type="checkbox"/> Two Month (37 CFR 1.17(a)(2)	\$490.00	
<input type="checkbox"/> Three Month (37 CFR 1.17(a)(3)	\$1,110.00	

OTHER MISCELLANEOUS FEES

<input type="checkbox"/> RCE Filing Fee (37 CFR §1.17(e)	\$810.00	
<input type="checkbox"/> Terminal Disclaimer (37 C.F.R. § 1.20(d))	\$140.00	
<input type="checkbox"/> Other:		

SUBTOTAL OF FEES DUE

\$0.00

☒ Applicant claims small entity status (37 CFR 1.27). Therefore, the fee amount is reduced by one-half.

TOTAL FEES DUE

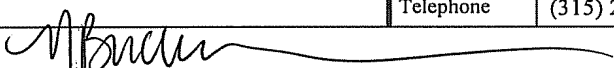
\$0.00

☒ No additional fee is required.

☐ The fees associated with this paper are being paid electronically with this submission.

☒ The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Submitted By:

Name	Nicole J. Buckner	Reg. No.	51,508	Customer No.	025191
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Signature				Date	October 28, 2009